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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,121	04/14/2004	Gregory Ashton	9522	6455

27752 7590 11/24/2006

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EXAMINER

HAND, MELANIE JO

ART UNIT PAPER NUMBER

3761

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,121

Applicant(s)

ASHTON ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed August 31, 2006 have been fully considered but they are not persuasive.

With respect to applicant's argument that Kielpikowski does not teach a cuff end bond connecting a first edge of a continuous cuff material to a second edge of the continuous cuff material, Examiner disagrees. Considering only inner flaps 34, flaps 34 each have a proximal and distal end, said flaps are comprised of a continuous cuff material and have a cuff end bond as described in the previous Office action. Since the cuff material is continuous, the cuff bond at the distal end does in fact connect a first edge of the continuous cuff material to a second edge of the same continuous cuff material, as the cuff bond are merely formed by slipping elastic strands through folded ends of said cuff material and bonding the material halves adjacent the fold to each other below the elastic elements.

Double Patenting

Examiner maintains the double patenting rejection set forth in a previous Office action.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kielpikowski (U.S. Patent No. 5,669,896).

With respect to **Claims 1,7,14-17**: Kielpikowski teaches diaper 10 comprising a liquid-impermeable outer cover 18, liquid permeable bodyside liner 20 and absorbent core 22 located between the bodyside liner 20 and outer cover 18. Diaper 10 also comprises containment flap assembly 24 (dual cuff) further comprising inner containment flaps 34 and outer containment flaps 26. Inner flaps 34 have distal edges 30, outer flaps 26 have distal edges 38, and both flap sets have coinciding proximal edges 28. Proximal edges 28 and 36 coincide with one another, form an intermediate bond between distal edges 30 and 38 and are defined by a line of attachment at which the flap assembly 24 is attached to bodyside liner 20. (Fig. 7) (Col. 2, lines 47-67, Col. 3, lines 1-3). As can be seen in Fig. 7, elastic members 32 extending along the length of flaps 26 are held in place by bonds wherein the material of flaps 26 is wrapped around said elastic members and adhered to itself, thus forming a cuff end bond at the distal end of the dual cuff assembly 24. Elastic members 40 extend substantially the entire length of inner flaps 34. Since the function of the flaps is as a dual cuff containment assembly and said dual cuff assembly is disposed longitudinally along substantially the entire length of the diaper at transversely opposed lateral edges of core 22, flaps 34 and 26 are barrier cuffs.

With respect to **Claim 2**: Since proximal edge 28 is located adjacent the periphery of bodyside liner 20, outer cover 18 extends outboard of distal edge 30 of outer flaps 26.

With respect to **Claims 3-6**: Kielpikowski teaches that inner flaps 34 and outer flaps 26 contain first elastic members 32 and second elastic members 40, respectively that are attached in a pretensioned condition to first flap sheet material 42 said inner flaps 34, and the combination is then attached to second sheet material 44. (Figs. 2,7) (Col. 3, lines 4-6, 16-18, Col. 5, lines 30-32,48-51)

With respect to **Claim 8**: As can best be seen in Figs. 1 and 7, Kielpikowski teaches fasteners.

With respect to **Claims 9-13**: Kielpikowski teaches that first and second flap materials 42 and 44 are comprised of laminates comprising spunbond and meltblown polymers and that spunbond surfaces are treated with a surfactant to make them more hydrophilic. (Col. 4, lines 32-36,40,41,57-63)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

